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15 January 2019

Dear Owen,

LEGITIMATE USE OF CONTROLLED DRUGS: RESEARCH AND HEALTHCARE

I would like to thank the ACMD for its interim advice dated 22 December 2017 and the ACMD Technical Committee for its continued work in this area.

I would like to apologise for the delay in providing this response, further to my initial response on the 18th May 2018. I can assure you that this remains a priority and I appreciate the patience shown by both the ACMD and the research community whilst we consider the ACMD's interim recommendations.

I am grateful to the ACMD for the recommendations it has provided, and I have set out the Government's initial views below. However, having considered the interim advice issued by the ACMD, I believe that further collaborative work between officials, representatives from the research community and the ACMD are required to discuss some alternative longer-term solutions in parallel. I understand that these discussions are already underway, and I look forward to receiving the ACMD's subsequent advice on this matter.

ACMD recommendations: Short term

Recommendation 1: *The Home Office to produce detailed guidance aimed at the research community to clarify the Schedule 1 licensing requirements.*

I accept this recommendation. Home Office officials have commenced work engaging with the research community to establish what specific issues require further

guidance to that which is already available on the Drug and Firearms Licensing Unit's website.

Recommendation 2: *A revision of the generic definition for synthetic cannabinoids in order to reduce the scope.*

I accept this recommendation in full. The Government has taken steps to consult the research community on the revised definition proposed by the ACMD, in your letter of 22 December 2017, and the research community have accepted this as a partial solution, alongside longer-term solutions.

ACMD: proposed solutions (longer-term)

Please see below Government's steer on the longer-term proposals.

Recommendation 1: *The Home Office to consider a 'self-policing' approach to allow drug-discovery researchers to apply to the Home Office for a compound-specific exemption using a unique identifier from the sponsor.*

We believe that this approach is incompatible with the International Narcotics Control Board's (INCB) requirements to monitor UN-listed Schedule 1 materials. It would not be possible to meet these requirements without disclosing details of the compounds. Therefore, it will not be possible to use this approach as currently set out. However, there may be other options available which could be discussed further with officials, the ACMD and the research community.

Recommendation 2: *That Schedule 1 compounds with a complete investigator's brochure and HRA-ethical committee approval be temporarily moved to a 'research schedule' for the purpose of clinical evaluation.*

This approach would require amendments to the Misuse of Drugs Regulations 2001 each time a compound needs to be moved into, or out of the 'research schedule'. We would also need to be clear on what the requirements of this research schedule would be (e.g. whether these be akin to the requirements under Schedule 2 or another Schedule). It is likely that this would place a heavy burden on legislative amendment time. In addition to this, we are statutorily required to consult with the ACMD each time we amend the Misuse of Drugs Act 1971 or the Misuse of Drugs Regulations 2001 and this would require regular consultation each time a rescheduling needed to take place. As such, we do not think it is administratively viable.

However, there may be some further legislative and non-legislative options which could be considered in further detail. Officials have already began thinking about the alternative options available and have shared their preliminary thoughts on these at the September ACMD Technical Committee.

Recommendation 3: *Extension of the import/ export licence validity period.*

My officials initially feel this approach may not be practical or proportionate to implement given our need to report in a timely and accurate fashion to the INCB on a quarterly basis. We will continue to work to understand any limitations of this recommendation, and whether it would potentially fit with INCB requirements, in particular our ability to provide quarterly importation reports to the INCB.

I appreciate your patience and understand the importance of resolving this matter appropriately as early as possible.

As such my officials will continue to work closely with the ACMD and the research community to explore possible long-term options.

RT HON NICK HURD MP
Minister of State for Policing and the Fire Service